

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

A.G. EDWARDS, JR.,

No. FJ 02-0023 MMC

Plaintiff,

v.

**ORDER CERTIFYING
CONSTITUTIONAL ISSUE PURSUANT
TO 28 U.S.C. § 2403 AND FED. R. CIV.
P. 5.1(b)**

JOHN SKRABO, SKRABO LIVESTOCK, and
SUNDOWN LAND AND CATTLE COMPANY,

Defendants.

Before the Court is plaintiff A. G. Edwards, Jr.'s "Fed R Civ Proc 5.1 Notice of Plaintiff [sic] Submission of State Constitutional Question to State of California Attorney General" ("Notice"). In the Notice, plaintiff challenges the constitutionality of California Corporations Code section 16307(c) (preventing collection of judgment against partnership from partner not named in underlying action). Under Rule 5.1(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 2403(b), where a California statute is challenged on constitutional grounds and the State is not a party to the action, the Court must certify such challenge to the Attorney General of the State of California.


Accordingly, the Court hereby CERTIFIES to the Attorney General of the State of California that the constitutionality of California Corporations Code section 16307(c) has been drawn into question in the above-titled action.

The Clerk shall serve a copy of this order and a copy of plaintiff's Notice on the

1 Attorney General of the State of California.

2 **IT IS SO ORDERED.**

3 Dated: September 26, 2011

4 
MAXINE M. CHESNEY
United States District Judge